

REMARKS

Claims 2, 4, 8, 10, 12, 14, and 18 – 20 remain in this application. Claims 2 and 18 have been amended. Claims 25 – 29 have been added. Reconsideration of this application in view of the amendments noted is respectfully requested.

Claim 2 has been amended to read in part --said diffuser bag including an air permeable side surface having perforations randomly disposed over the totality of said air permeable side and an opposite air impermeable, non-perforated side, said diffuser bag non-perforated side being supported on an occupant facing surface of the occupant support; and a heating element adapted for placement on said air permeable side surface of said diffuser bag--. Support for this amendment may be found in the specification and in FIGS. 1 and 2 of the drawings.

The specification has been amended to reflect the amendments to claim 2 and to describe features of the diffuser bag disclosed in FIGS. 2 and 3 of the drawings.

New claims 25 – 29 include dependent limitations that reflect the language of the originally filed claims.

In the Office Action, claim 18 was objected to because of the informality that “Velcro” is a trademark and cannot be used in claim language. Applicant has amended “Velcro” to read --hook and loop fastener-- as suggested by the examiner.

Claims 2, 4, 8, 10, 12, 14, and 18 – 20 were rejected under Section 102(e) as being anticipated by White et al. (U.S. Patent No. 6,869,140, hereinafter “White”). Applicant respectfully traverses this rejection. White discloses a ventilated vehicle seat assembly. The seat assembly includes a bag having an opening for connection to an air mover, an air-impermeable bottom, and an air-impermeable top including a plurality of holes arranged and sized to provide air movement through the bag only through the plurality of holes (for example, see column 2, lines 18 – 22). Some of the holes are located nearer the bag opening than other holes and each hole has a cross-sectional area. The holes located substantially the same distance from the bag opening form a group having a total cross-sectional area, and the bag includes more than one group of holes. The total cross-

sectional area of each group of holes is greater than the total cross-sectional areas of any groups of holes nearer the bag opening.

White fails to disclose a modular comfort assembly including a ventilation diffuser bag including an air permeable side surface having perforations randomly disposed over the totality of the air permeable side and an opposite air impermeable, non-perforated side, as claim 2 requires. White instead includes a bag having an air-impermeable bottom and an air-impermeable top, the air-impermeable top including a plurality of holes of varying size wherein the holes closer to an air mover connected to the bag are smaller than holes located farther away from the air mover, and holes that are equidistant from the air mover are the same size. The holes of White have a very specific arrangement that controls the flow of air. The perforations of the present invention are randomly disposed over the totality of the air permeable side of the diffuser bag and do not control the flow of air. The perforations of the present invention are different from the holes of White, and the perforated side of the present ventilation bag is not air-impermeable like the top side of the bag of White.

As regards claim 10, applicant's assembly includes an air permeable fabric allowing air to pass unrestricted from the air inlet to the air permeable side of the diffuser bag, unlike the spacer material of White which includes an assembly comprising upper and lower netting sheets and resilient fibers extending between the netting sheets to channel air movement and prevent collapse of the spacer material.

For these reasons, claim 2 of the present application is patentable over White. Claims 4, 8, 10, 12, 14, 18 - 20, and 25 - 29, depending directly or indirectly from claim 2, are therefore also allowable. Applicant respectfully requests that the Section 102(e) rejection of claims 2, 4, 8, 10, 12, 14, and 18 - 20 over White be withdrawn.

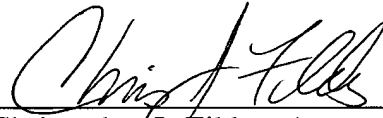
This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

U.S. Application No. 10/816,701 -- 10

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Chris J. Fildes", written over a horizontal line.

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